



U.S. DEPARTMENT of STATE

Cuba

Country Reports on Human Rights Practices - [2004](#)

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Cuba is a totalitarian state controlled by Fidel Castro, who is chief of state with the titles of president, head of government, first secretary of the Communist Party (CP), and commander in chief of the armed forces. The regime exercises control over all aspects of life through the CP and its affiliated mass organizations, the government bureaucracy headed by the Council of State, and the state security apparatus. In March 2003, he declared his intent to remain in power for life. The CP is the only legal political entity, and President Castro personally chooses the membership of the Politburo, the select group that heads the CP. There are no contested elections for the 609 member National Assembly of People's Power (ANPP), which meets twice a year for several days to rubber stamp decisions and policies previously decided by the governing Council of State. In 2003, government supporters won all 609 ANPP seats in uncontested elections. In 2003, the Government also held a referendum making the socialist character of the constitution "untouchable." The CP controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the CP.

The Ministry of Interior is the principal instrument of state security and control. Officers of the Revolutionary Armed Forces, which are led by Fidel Castro's brother, General Raul Castro, have occupied the majority of key positions in the Ministry of Interior during the past 15 years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigated and suppressed political opposition and dissent. It maintained a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRBs), and neighborhood based Committees for the Defense of the Revolution (CDRs). The Government traditionally has used the CDRs to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. RRBs consisted of workers from a particular brigade such as construction or factory workers organized by the CP to react forcefully to any situation of social unrest. The Government on occasion used RRBs instead of the police or military during such situations. Members of the security forces committed numerous, serious human rights abuses.

The economy was centrally planned, with some elements of state managed capitalism in sectors such as tourism and mining. The country's population was approximately 11 million. Exports largely were restricted to primary products such as sugar and minerals, but tourism and emigre remittances were key sources of hard currency. Inefficiency, outdated infrastructure, and natural disasters led to the lowest sugar harvest in 70 years in 2003, with only a slight recovery during the year and continued low yields projected for 2005. The Government announced economic growth of 5 percent during the year using a new, unique way of calculating gross domestic product that ostensibly gives greater weight to social programs.

The State controlled approximately 90 percent of the formal economy, and the Government continued to harass citizens working in the underground economy. Less than 2 percent of citizens worked in the highly regulated private sector. In August, the Government issued a resolution allowing citizens with certain private sector licenses to exercise the right to work in the licensed field only after completing a full day of work in their regular government job. In October, the Government began a policy of cancelling the issuance of new work licenses in 40 private sector categories.

Government policy officially was aimed at preventing economic disparity, but citizens with access to foreign currency enjoyed a significantly higher standard of living than those with only pesos. In November, after 9 years as legal tender, the Government disallowed the use of the U.S. dollar and began charging a 10 percent surcharge to exchange dollars to "convertible pesos." A convertible peso is equivalent to one U.S. dollar. The vast majority of citizens earned their salaries in pesos and only had access to convertible pesos if they worked in the tourist sector or received remittances from abroad. A system of "tourism apartheid" continued, whereby citizens often were denied access to hotels, beaches, and resorts reserved for foreigners.

The Government's human rights record remained poor, and the Government continued to commit numerous, serious abuses. Citizens did not have the right to change their government peacefully. Although the Constitution allows legislative proposals backed by at least 10,000 citizens to be submitted directly to the ANPP, in 2002 and 2003, the Government rejected 2 petitions, known as the Varela Project, with more than 25,000 signatures, calling for a national referendum on political and economic reforms. CP affiliated mass organizations tightly controlled elections to provincial and national legislative bodies, resulting in the selection of single, government approved candidates. In March 2003, the Government arrested 75 human rights activists, subjected them to summary trials, and sentenced them to prison terms ranging from 6 to 28 years. During the year, authorities arrested an additional 22 human rights activists and sentenced them for acts such as contempt for authority.

Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening, and the Government restricted medical care to some prisoners as a method of control. Prisoners died in jail due to lack of medical care. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association and closely monitored domestic and international journalists through physical and electronic surveillance. It limited the distribution of foreign publications and news, restricted access to the Internet, and strictly censored news and information. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government tightly restricted freedom of movement, including foreign travel, and did not allow some citizens to leave the country. The Government controlled internal movements and used external exile to punish dissenters. The Government did not permit domestic human rights groups to function legally, sharply and publicly rejected all criticism of its human rights practices, and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and underage prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Unlike in 2003, there were no reports during the year of the Government summarily executing its citizens.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights advocates, detainees, and prisoners. The Government took no steps to curb these abuses. There continued to be numerous reports of disproportionate police harassment of black youths (see Section 5).

On August 2, Nivaldo Diaz Castello, a Varela Project leader, was detained by State Security agents, threatened, and stripped of all his belongings before being released.

The Government continued to subject persons who disagreed with it to what it called acts of repudiation. At government instigation, members of state controlled mass organizations, fellow workers, or neighbors of intended victims were obliged to stage public protests against those who dissented from the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occurred. Police and State Security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

On March 5 and March 17, an unknown group stoned the house of activists Tomas Gonzalez Coya Rodriguez and Beatriz Pacheco Nunez, of Santa Clara, breaking down the front door. The stones were wrapped in paper on which obscenities were written. The family also received anonymous death threats via phone.

On April 19, assailants pelted the Havana home of Henry Samuel, President of the Republican Alternative Movement, with jars of human excrement. Samuel reported the incident to the National Revolutionary Police (PNR), which took no action.

On September 8, Elsa Morejon reported that on several occasions during the year, large groups of people had gathered around her home to yell profanities and insult her husband, human rights activist Dr. Oscar Elias Biscet, who was arrested in 2002 for "acts against the independence or the territorial integrity of the State."

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also were harsh. The Government claimed that prisoners enjoyed rights such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director. Police and prison officials, however, often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. Political prisoners in particular often were held at facilities hundreds of miles from their families, placing an undue hardship on many families' time and financial resources.

The Penal Code prohibits the use of corporal punishment on prisoners and the use of any means to humiliate prisoners or to lessen their dignity; however, the Code fails to establish penalties for committing such acts, and they continued to occur in practice. Detainees and prisoners, both common and political, often were subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Pretrial detainees were generally held separately from convicted prisoners, although some long term detainees, including political detainees, were held with convicted prisoners. In Havana, there were two detention centers; once sentenced, persons were transferred to a prison.

Fabio Prieto Llorente, one of the 75 activists arrested in March 2003, reported he was held in a small cell with leaky walls and a cement slab for a bed. The cell was infested with rats, frogs, and insects. Prieto was serving a 20 year sentence for "acts against the independence or the territorial integrity of the State."

Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi dark conditions, no available water, and a hole for a toilet. Reading materials, including Bibles, were not allowed, and unlike in previous years, authorities denied visits to families of political prisoners while they were held in these cells. Prisoners in punishment cells had no access to lawyers.

On January 1, Jose Daniel Ferrer Garcia, a Varela Project leader and one of the 75 activists arrested in March 2003, reported serving 45 days in a punishment cell for protesting the suspension of correspondence and the delivery of food and medical supplies from his family. He did not receive food or water during the first 3 days of his confinement and slept on a cement floor. Authorities confiscated his Bible and prohibited any contact with other prisoners. Ferrer was serving a 25 year sentence for "acts against the independence or the territorial integrity of the State."

On July 5, Elsa Morejon reported that her husband, Dr. Biscet, was sent to a punishment cell for refusing to eat in the prison cafeteria, wear the uniform of common prisoners, and stand at attention when guards entered his cell. He was not permitted to read, write, or leave his cell to get exercise. In addition, prison authorities refused to accept food and medical supplies brought by Morejon or permit anyone to bring him food. As a result, Biscet found himself on a virtual hunger strike.

Prison guards and State Security officials subjected human rights and pro democracy activists to threats of physical violence, to systematic psychological intimidation, and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or State Security agents posing as prisoners.

On January 21, Yeni Veloz Oquendo, wife of common prisoner Estany Rodriguez Preval, reported that jailers at Valle Grande prison had sexually abused her husband.

On June 17, Ana Aguililla, wife of political prisoner Francisco Chaviano, arrested in May 1994 for "revealing state security secrets," reported that prison authorities forced Chaviano from his cell, stripped him, and publicly beat him.

On July 6, family members of political prisoner Jorge Luis Garcia Perez, arrested in 1990 for articulating "enemy propaganda," reported being beaten along with Garcia during a prison visit. Authorities handcuffed and beat Garcia and later punched his sister and kicked his girlfriend's 9 year old son after the visitors protested the harsh treatment.

On August 3, Yarai Reyes, wife of Normando Hernandez Gonzalez, 1 of the 75 political prisoners arrested in March 2003, reported that prison authorities incited common prisoners to beat her husband. Hernandez was serving a 25 year sentence for "acts against the independence or the territorial integrity of the State."

The Government regularly failed to provide adequate nutrition and medical attention, and approximately 10 to 20 prisoners reportedly died due to lack of medical attention. Both the Inter-American Commission on Human Rights (IACHR) and the Representative for Cuba of the High Commissioner for Human Rights, as well as other human rights monitoring organizations, have reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition. In April, Amnesty International (AI) and Human Rights Watch (HRW) issued reports expressing concern regarding the poor health of numerous political prisoners, the limitations on family visits for some political prisoners, and the incarceration of many political prisoners far from their home provinces. The Government did not respond to AI or HRW.

Oscar Espinosa Chepe, a political prisoner released during the year, reported that prison officials regularly denied him adequate medical treatment during his 20-month incarceration.

On April 13, Jorge Luis Garcia Perez reported the deaths of three common prisoners, Vidal Caerencio de la Hoz Avila, Felix Hernandez Soa, and Didier Marrero Pereira, because they had not received emergency medical attention.

On June 14, Masiel Gutierrez, wife of Rolando Jimenez Posada, a human rights activist arrested in April 2003 without any formal charges, reported that her husband had been beaten and placed in a punishment cell for demanding his asthma medication.

On August 29, Barbara Rojo Arias, wife of Omar Ruiz Hernandez, an independent journalist and 1 of the 75 human rights

activists arrested in March 2003, reported that her husband was denied access to required medications for his heart condition and stomach problems. Ruiz was serving an 18 year sentence for "acts against the independence or the territorial integrity of the State."

During the year, the Government released 18 political prisoners, reportedly for medical reasons.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Some prison directors routinely denied religious workers access to detainees and prisoners.

On March 11, in a letter to his wife Gisela Sanchez Verdecia, Antonio Diaz Sanchez complained that prison authorities confiscated and censored his correspondence.

Martha Beatriz Roque Cabello, a political prisoner released during the year, reported that prison authorities denied her access to religious workers during her entire 16 month incarceration. She also stated that prison authorities offered religious services to common prisoners but threatened prisoners who exercised this right with denial of privileges, such as visits and correspondence.

There were separate prison facilities for women and for minors. Human rights activists believed that conditions in these facilities were poor. The law provides that pretrial detainees are held separately from convicted prisoners; however, the law was seldom enforced in practice, often because of a lack of facilities.

The Government did not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989. In April, for the first time in 15 years, the Government invited a group of international journalists to visit two selected prison hospital wards. Many participants dismissed the visits as staged propaganda.

d. Arbitrary Arrest or Detention

Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective and commonly used tactics for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds.

The Ministry of the Interior exercises control over police and internal security forces. The PNR is the primary law enforcement organization and generally was effective in investigating common crimes. Specialized units of the Ministry of the Interior are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR plays a supporting role by carrying out house searches and providing interrogation facilities for State Security agents. There were some reports in both the independent and official press of bribery and corruption within the security forces.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, degrading treatment, and unsanitary conditions for hours or days at a time. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Authorities sometimes employed false charges of common crimes to arrest political opponents. Detainees often were not informed of the charges against them. The authorities continued to detain human rights activists and independent journalists for short periods, including house arrest, often to prevent them from attending or participating in events related to human rights issues (see Sections 2.a. and 2.b.).

Time in detention before trial counted toward time served if convicted. Bail was available and usually was low and more equivalent to a fine.

During the year, authorities arrested 22 human rights activists, including 3 Varela Project organizers and an independent librarian. By year's end, 13 of the 22 had been tried and sentenced.

On February 4, authorities arrested independent librarian Jose Agramonte Leiva for contempt for authority, specifically for having yelled, "Down with Fidel!" At year's end, he remained incarcerated awaiting trial (see Section 2.a.).

On April 19, authorities arrested Alexis Garcia Pena and Walter Lopez Gonzalez of the Christian Liberation Movement for their activities in promotion of the Varela Project.

In March 2003, authorities arrested 75 human rights activists, journalists, and opposition political figures, charging them with violating national security and aiding a foreign power, among other crimes. The U.N. High Commissioner for Human Rights expressed concern regarding the arrests and summary trials, as did many governments, international organizations, and public figures. During the year, the Government released 14 of the 75 activists, including Martha Beatriz Roque Cabello of the Assembly to Promote Civil Society, independent journalist Raul Rivero, independent journalist and economist Oscar Espinosa

Chepe, and independent journalist and poet Manuel Vasquez Portal. At year's end, the other 61 activists remained in prison.

During the year, the 15 remaining persons arrested near the Mexican Embassy in 2002 remained in prison awaiting trial, which was scheduled for January 2005.

At year's end, at least 13 political detainees were awaiting trial, many of whom had been held for more than 1 year.

The Government often held persons without charges for months. On April 27, after more than 25 months in prison, authorities sentenced 10 human rights activists and independent journalists arrested in 2002, including blind human rights activist Juan Carlos Gonzalez Leyva (see Section 1.e). Gonzalez Leyva subsequently was released conditionally and told he could not leave his home province of Ciego de Avila without express government permission.

The Government also often released activists after months of detention without charges.

On June 8, authorities released Leonardo Bruzon Avila, Carlos Alberto Dominguez, Emilio Leyva Perez, and Lazaro Rodriguez Capote after 28 months of imprisonment without trial.

The authorities sometimes detained independent journalists to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (see Section 2.a.).

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR criticized this tactic for its arbitrariness, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so called special inclination to commit crimes referred to in the Penal Code amounted to a subjective criterion used by the Government to justify violations of individual freedoms and due process for persons whose sole crime was to hold a view different from the official view.

e. Denial of Fair Public Trial

The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the CP, which the Constitution designates as the superior directive force of society and the State, further compromises the judiciary's independence. The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civilian courts existed at the municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges presided over them. There was a right to appeal, access to counsel, and charges were generally known to the defendant, although many political detainees subjected to summary trials in April 2003 were unaware of the charges against them until moments before trial. The law presumes the innocence of the accused, but the authorities often ignored this right in practice.

The law and trial practices did not meet international standards for fair public trials. Almost all cases were tried in less than 1 day; there were no jury trials. While most trials were public, trials were closed when there were alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

Criteria for presenting evidence, especially in cases involving human rights advocates, were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer (see Section 1.c.). The authorities regularly denied defendants access to their lawyers until the day of the trial. Several dissidents who served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf.

On April 27, after 25 months in prison, the Government tried Juan Carlos Gonzalez Leyva, of the Cuban Foundation of Human Rights, and sentenced him to 4 years in prison. He was released conditionally with credit for time served, but told he could not leave the province of Ciego de Avila without government permission. Gonzalez was arrested in 2002 after an "illegal gathering" in support of an independent journalist who had been beaten by State Security agents.

On April 27, the Government tried Antonio and Enrique Garcia Morejon of the Christian Liberation Movement and sentenced them to 3 1/2 years' imprisonment each for attending the same gathering as Gonzalez Leyva.

On May 18, after 18 months in prison, the Government sentenced Raul Arencibia Fajardo, Orlando Zapata Tamayo, and Virgilio

Marantes Guelmes to 3 years' imprisonment for public disorder, contempt for authority, and resistance. The three were members of different organizations, but were arrested together in 2002.

In April 2003, the Government arrested, summarily tried, convicted, and sentenced 75 political activists within a period of 20 days. Authorities did not reveal the charges against them and denied access to counsel until the day of the trial. Much of the evidence against the defendants consisted of unsubstantiated or unspecified allegations of activities against the Government on behalf of a foreign power and vague accusations of "counterrevolutionary" behavior. AI determined that all 75 jailed activists were "prisoners of conscience."

The law provides the accused with the right to an attorney, but the control that the Government exerted over the livelihood of members of the state controlled lawyers' collectives compromised their ability to represent clients, especially those accused of state security crimes. Attorneys reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

Military tribunals assumed jurisdiction for certain counterrevolutionary cases and were governed by a special law. The military tribunals processed civilians if a member of the military was involved with civilians in a crime. There was a right to appeal, access to counsel, and the charges were known to the defendant.

Human rights monitoring groups inside the country estimated the number of political prisoners at approximately 300. The authorities imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing President Castro), clandestine printing, or the broad charge of rebellion, which often was brought against advocates of peaceful democratic change. The Government continued to deny human rights organizations and the ICRC access to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a citizen's home and correspondence; however, official surveillance of private and family affairs by government controlled mass organizations, such as the CDRs, remained one of the most pervasive and repressive features of daily life. The Government employed physical and electronic surveillance against nonviolent political opponents. The State assumed the right to interfere in the lives of citizens, even those who did not oppose the Government and its practices actively. The authorities utilized a wide range of social controls. The mass organizations' ostensible purpose was to improve the citizenry, but their real goal was to discover and discourage nonconformity. Although official statistics indicated that CDRs have grown over the past decade and included 93.5 percent of the population over the age of 14, in reality, citizen participation in these mass organizations declined. Economic constraints both reduced the government's ability to provide material incentives for their participation and forced many persons to engage in black market activities, which the mass organizations were supposed to report to the authorities.

The Ministry of Interior employed an intricate system of informants and block committees (the CDRs) to monitor and control public opinion. While less capable than in the past, CDRs continued to report on suspicious activity, including: Conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controlled all access to the Internet, and censored all electronic mail messages. Dial up Internet service was prohibitively expensive for most citizens. State Security often read international correspondence and monitored overseas telephone calls and conversations with foreigners. The Government also monitored domestic phone calls and correspondence, and sometimes denied telephone service to dissidents. Cell phones generally were not available to average citizens.

On January 14, Barbara Lorenzo, who had attempted to emigrate illegally, reported that police and other State Security agents threatened to imprison her and take away her 3 year old daughter if she attempted to leave the country again.

On October 18, Varela Project volunteer Ricardo Montes Puron reported that State Security agents threatened to take away his granddaughter, whom he had custody of and legally was trying to adopt, if he did not leave the organization.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana.

On March 19, State Security agents forced independent journalist Carlos Garcell Perez to abandon his father in law's house, where he had been living because Garcell did not have government permission to live in the house. Agents threatened the father in law and informed him that his granddaughter would lose her job if he continued to allow Garcell to live in the house.

The Government sometimes punished family members for the activities of their relatives. On July 15, Dayli Tejeda Herrera, a third year chemistry student, was expelled from the Central University of Las Villas for "being the daughter of a counterrevolutionary." Her father, Miguel Tejeda Tenorio, was the secretary general of the illegal Christian Workers Union of Las Villas.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press insofar as they "conform to the aims of socialist society"; this clause effectively bars free speech. In law and in practice, the Government did not allow criticism of the revolution or its leaders. Laws against anti government propaganda, graffiti, and disrespect of officials impose penalties between 3 months and 1 year in prison. If President Castro or members of the ANPP or Council of State were the objects of criticism, the sentence could be extended to 3 years. Charges of disseminating enemy propaganda, which included merely expressing opinions at odds with those of the Government, could result in sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, to which the country is a signatory, international reports of human rights violations, and mainstream foreign newspapers and magazines, constituted enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism. Police and State Security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private to intimidate them.

The Constitution states that print and electronic media are state property and can never become private property. The CP controlled all media except for a few small, unauthorized church run publications. The Penal Code bars "clandestine printing" and provides for 3 to 6 months' imprisonment for failure to identify the author of a publication or the printing press used to produce the publication. Even the Catholic church run publications, denied access to mass printing equipment, were subject to governmental pressure. Vitral magazine, a publication of the diocese of Pinar del Rio, continued to publish during the year, although officials publicly described it as "counterrevolutionary propaganda." The Cuban Conference of Catholic Bishops indicated that the Church did not register its publications with the Ministry of Culture as required by law because registration would force it to cede control to the State.

Citizens did not have the right to receive or possess publications from abroad, although news stands in hotels for foreigners and certain hard currency stores sold foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts at times overcame the jamming attempts on short wave bands, but its medium wave transmissions were blocked completely in Havana. State Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes.

All legal media must operate under CP guidelines and reflect government views. The Government attempted to shape media coverage to such a degree that it pressured not only domestic journalists but also groups normally outside official controls, such as visiting and resident international correspondents. The Government barred some foreign journalists from entering the country.

Law 88 outlaws a broad range of activities that undermine state security and toughens penalties for criminal activity. Under the law, anyone possessing or disseminating "subversive" literature or supplying information that U.S. authorities could use to apply U.S. legislation, may be subject to fines and prison terms of 7 to 20 years for each charge. AI expressed "grave concern" regarding the application of Law 88, which it said appeared to place "unlawful restrictions on internationally recognized rights."

In 2003, authorities arrested and sentenced more than 30 independent journalists and human rights activists under Law 88. Reporters without Borders (RSF) continued its campaign on behalf of the imprisoned journalists.

At year's end, 22 independent journalists arrested in March 2003 for violating Law 88, including Ricardo Gonzalez Alonso, remained in prison.

On February 4, the Government arrested Jose Agramonte Leiva, of the Project for Independent Libraries, on charges of contempt for authority for yelling "Down with Fidel!" Agramonte was still awaiting trial at year's end (see Section 1.c.).

The Government continued to subject independent journalists to: Internal travel bans; arbitrary and periodic detentions (overnight or longer); harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment. Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. The authorities also placed journalists under house arrest to prevent them from reporting on human rights conferences and events and on court cases against activists. In addition, police increasingly tried to prevent independent journalists from covering so called sensitive events. AI, HRW, the Inter American Press Association, RSF, and the CPJ criticized the imprisonment of journalists and the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech.

The Government used Ministry of the Interior agents to infiltrate and report on independent journalists.

The authorities often confiscated journalists' equipment, especially photographic and recording equipment. Fax machines or computers could be purchased only using inconvertible pesos, with government permission; however, even if a receipt could be produced, police often confiscated equipment. Journalists reported that photocopiers and printers either were unavailable locally or the stores refused to sell them to individuals. During the year, the Government increased its efforts to confiscate satellite television antennas, which it considered "subversive materials."

Resident foreign correspondents reported that the very high level of government pressure experienced since 2000, including official and informal complaints about articles, continued throughout the year. The Government controlled members of the resident foreign press by requiring them to obtain an exit permit each time they wished to leave the country. The Government also forced foreign correspondents to hire local staff from government agencies.

Distribution of information continued to be controlled tightly. Importation of foreign literature was controlled, and the public was unable to receive or possess foreign magazines or newspapers. Leading members of the Government asserted that citizens did not read foreign newspapers and magazines because they had access to government media, including the daily televised government led discussion on the issues which they needed to concern themselves. The Government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats.

By year's end, 8 of 9 independent librarians arrested in March 2003 and convicted of violating Law 88 or for "acts against the independence or the territorial integrity of the State" remained in prison, under sentences of 13 to 26 years' imprisonment.

The Government controlled all access to the Internet, and all electronic mail messages were subject to government review and censorship. In November, RSF issued a report noting the severe repression of online freedom of expression. Access to computers and peripheral equipment was limited, and the Internet could be accessed only through government approved institutions. On January 12, the Ministry of Information and Communications issued a report stating there were 750 websites based in the country, including 1,100 ".cu" domains, many of which were hosted outside the country. Dial up access to government approved servers was prohibitively expensive for most citizens. For example, cyber cafes routinely charged 6 convertible pesos (150 pesos) per hour, nearly the average worker's monthly salary. Only foreigners were permitted to purchase Internet access cards from the national telephone monopoly, ETECSA. As a result, clandestine Internet connections continued to increase, and it was estimated that more than 40,000 of these connections were made during the year.

On January 24, the Ministry of Information and Communications enacted a resolution stating that direct access to the Internet only would be available through telephone lines paid for in dollars, in an attempt to restrict access "for the social good." In August, the Government closed six cyber cafes in Camaguey for not serving the "social good," leaving only one Internet cafe in the entire province. AI expressed concern stating, "the new measures constitute yet another attempt to cut off Cubans' access to alternative views and a space for discussing them."

E mail use grew slowly as the Government allowed access to more users; however, the Government still permitted access to very few persons or groups. In 2003, the Government blocked instant messaging programs. In 2002, the Government opened a national Internet gateway to some journalists, artists, and municipal level youth community centers, but the authorities continued to restrict the types and numbers of international sites that could be opened. The Government did not permit Catholic Church representatives to have Internet access.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions did not accept this requirement and distributed materials; however, the Government's threats to expel embassy officers who provided published materials had a chilling effect on some missions.

The Government restricted literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline at the expense of freedom of expression. The educational system taught that the State's interests took precedence over all other commitments. Academics, government journalists, and other government officials were prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education required teachers to evaluate students' and their parents' ideological character and to place such evaluations in school records. These reports directly affected students' educational and career prospects. Government policy required teaching materials for courses such as mathematics or literature to have an ideological content. Government efforts to undermine dissidents included denying them advanced education and professional opportunities. Government controlled public libraries denied access to books or information if the requestor was unable to produce a letter of permission from the proper government ministry. In 2003, President Castro stated publicly that the universities were open only to those who shared his revolutionary beliefs.

On February 22, an official of the Association for the Promotion and Development of Literature barred independent journalist Abela Soto from a literary presentation in Pinar del Rio, stating that the event was "only for revolutionaries."

On May 24, authorities expelled 16 year old student Yasmani Oliva from the Art Teachers School in Santa Clara for producing an anti Castro poster. He was sent home and later summoned to a minor's reeducation center.

Artistic expression was less restricted. The Government encouraged the cultural community to attain the highest international standards and to sell its work overseas for hard currency.

b. Freedom of Peaceful Assembly and Association

Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State." The law punishes any unauthorized assembly

of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a legal pretext to harass and imprison human rights advocates.

On February 9, Doralis Velasquez Falcon, wife of jailed labor activist Hector Raul Valle Hernandez, was summoned to the police station after a group of Czech officials visited her to express solidarity with her husband's case. Officers of the State Security agency warned that action would be taken against her if she continued her pro civil rights activities.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. On September 8, the Government permitted, for the seventh consecutive year, a procession in connection with Masses celebrating the feast day of Our Lady of Charity in Havana. A number of activists participated in the procession. The authorities permitted approximately 50 processions nationwide to mark the feast day of Our Lady of Charity but denied approximately 14 others. The Catholic Church decided to stop requesting permits for processions in areas where they historically were not permitted.

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies (see Section 1.d.). There were unapproved meetings and demonstrations, which the Government frequently disrupted or attempted to prevent. The authorities sometimes used or incited violence against peaceful demonstrators.

On April 9, authorities in Regla informed Pedro Pablo Valdes that the ceremony his group was planning for April 11 to commemorate the 2003 execution of three youths by the Government would be considered a "terrorist act" and that participants would be punished accordingly. The PNR posted two uniformed officers at the home where the ceremony was to be held and forced the promoters to cancel the event.

Family members and supporters of political prisoners continued their silent marches after attending weekly Mass at Havana's Santa Rita Catholic Church. Authorities attempted to discourage members from participating by arranging prison visits or phone calls with the prisoners on Sundays during hours that conflicted with the Masses and marches.

The Government organized marches on May Day and held a rally, "Tribuna Abierta," every Saturday in a different municipality in the country. The Government employed CDRs and officials in the workplace to compel mass participation in these events, despite the fact that they were covered by both radio and television.

The Government generally denied citizens the freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Ministry of Interior, decides whether to give organizations legal recognition. The authorities never have approved the existence of a human rights group; however, a number of professional associations operated as nongovernmental organizations (NGOs) without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers (Agramonte), the Association of Independent Architects and Engineers, and several independent journalist organizations. The Constitution proscribes any political organization other than the CP (see Section 3).

Recognized churches (see Section 2.c.), the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations were the only associations permitted to function outside the control or influence of the State, the CP, and their mass organizations. With the exception of recognized churches and the Masons, who have been established in the country for more than a century, the authorities continued to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized NGOs were affiliated at least nominally with, or controlled by, the Government.

c. Freedom of Religion

The Constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law; however, in law and in practice, the Government continued to restrict freedom of religion. In general, unregistered religious groups continued to experience various degrees of official interference, harassment, and repression. The Government's main interaction with religious denominations was through the CP's Office of Religious Affairs. The Ministry of Interior engaged in active efforts to control and monitor religious institutions, particularly through surveillance, infiltration, and harassment of religious professionals and practitioners. The Government's policy of permitting apolitical religious activity to take place in government approved sites remained unchanged; however, citizens worshiping in officially sanctioned churches often were subjected to surveillance by State Security forces, and the Government's efforts to maintain a strong degree of control over religion continued.

The Constitution provides for the separation of church and state. The Government has allowed religious adherents to join the CP since 1991. A 1992 constitutional amendment prohibits religious discrimination and removed references to "scientific materialism" (i.e., atheism) as the basis for the State. The Government does not favor any one particular religion or church; however, the Government appeared to be most tolerant of those churches that maintained close relations to the State through the Cuban Council of Churches (CCC). The CCC generally was supportive of government policies. Members of the armed forces did not attend religious services in uniform.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice, the Government refused to recognize new denominations; however, the Government tolerated some religions, such as the Baha'i Faith and a small congregation of the Church of Jesus Christ of Latter day Saints. Unregistered religious groups were subject to official interference, harassment, and repression. The Government, with occasional exceptions, prohibited the construction of new churches, forcing many growing congregations to violate the law and meet in private homes.

In January, Orthodox Ecumenical Patriarch Bartholomew visited and presided over the consecration of a church for the small Greek Orthodox community in Havana. In November, a delegation of the Moscow Patriarchate of the Russian Orthodox Church visited the country to consecrate the first Russian Orthodox temple in the country. Government media cast these events as evidence of the Government's religious tolerance.

On September 23, members of the First Bethany Baptist church of Holguin ended a 74 day hunger strike and sit in. The Government granted permission to renovate the church, but before the work was finished, it decided the renovation was too opulent and threatened to take over the facility. The Government only allowed work to continue after the protests.

Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. The CCC claimed that most private houses of worship closed by the Government were unregistered and therefore illegal. In addition, CCC Pentecostal members complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

In September 2003, the Conference of Catholic Bishops issued a document accusing the Government of imposing tighter restrictions on the Church and on society since the 1998 visit of Pope John Paul II, and calling on the Government to show clemency towards political prisoners.

Unlike in 2003, authorities in the town of Managua in Havana Province permitted a procession to mark the feast day of the patron saint of Managua.

The Government allowed 9 foreign priests and 19 religious workers to enter the country to replace other priests and nuns whose visas had expired. The applications of 60 priests and 130 other religious workers remained pending at year's end, as did a request from the Conference of Catholic Bishops for the Government to permit 15 Catholic orders to establish a presence in the country; the lack of approval limited the training of seminarians.

In the past several years, the Government relaxed restrictions on some religious denominations, including Seventh day Adventists and Jehovah's Witnesses. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed to proselytize door to door and generally were not subjected to overt government harassment, although there were sporadic reports of harassment by local CP and government officials.

Education is secular, and no religious educational institutions are allowed; however, the Catholic Church and Jewish synagogues were permitted to offer religious education classes to their members. There were no reports that parents were restricted from teaching religion to their children.

The Government continued to prevent any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official and exorbitant retail prices. Religious literature and materials must be imported through a registered religious group and may be distributed only to officially recognized religious groups. In punishment cells, prisoners were denied access to reading materials, including Bibles (see Section 1.c.).

The CCC continued to broadcast a monthly 15 minute program on a national classical music radio station on the condition that the program not include material of a political character.

State Security officials visited some priests and pastors prior to significant religious events, ostensibly to warn them that dissidents were trying to "use the Church"; however, some critics claimed these visits were an effort to foster mistrust between the churches and human rights or pro democracy activists. In many churches, most noticeably at Santa Rita's, the Conference of Catholic Bishops estimated that the number of State Security agents attending Mass for the purpose of intimidating spouses of political prisoners increased.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41756.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government severely restricted freedom of movement. The Government generally did not impose legal restrictions on domestic travel; however, it limited internal migration to Havana, and restricted persons found to be HIV positive to sanatoriums

for treatment and therapy before conditionally releasing them into the community. For the past several years, State Security officials prohibited some human rights advocates and independent journalists from traveling outside their home provinces, and the Government also sentenced others to internal exile.

On July 13, authorities of the municipality of the Isle of Youth prevented independent journalist Carlos Serpa Maceira from traveling to Nueva Gerona to participate in the annual March 13 commemoration of those who drowned in the tugboat sunk by the Government in 1994. Serpa Maceira was advised he would be jailed if he attempted to travel to Nueva Gerona.

Decree 217 prohibits persons in other provinces from moving into Havana on the grounds that unchecked internal migration would exacerbate the city's problems regarding housing, public transport, water, and electrical supplies; visits to the city were permissible. Police frequently checked the identification of persons on the streets, and anyone from another province living in Havana illegally could be fined 12 convertible pesos (300 pesos) and sent home. Fines were 40 convertible pesos (1,000 pesos) for those who resided illegally in the neighborhoods of Old Havana, Cerro, or 10 de Octubre. Human rights observers noted that while the decree affected migration countrywide, it targeted individuals and families predominantly of African descent from the more impoverished eastern provinces.

The Government imposed some restrictions on both emigration and temporary foreign travel. By year's end, the Government had refused exit permits to 836 people, but allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart.

In June, authorities denied an exit permit to Julio Antonio Valdes Guevara, 1 of the 75 activists arrested in March 2003 and subsequently released on April 15. Valdes Guevara was reportedly extremely ill and required hemodialysis and a kidney transplant. His wife, 4 year old son, sister, and brother-in-law all were granted exit permits.

Some denials involved professionals who attempted to emigrate and whom the Government subsequently banned from working in their occupational fields. The Government refused permission to others because it considered their cases sensitive for political or state security reasons. Resolution 54 denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation, normally applied to recent graduates, was not published officially and may apply to other professionals as well.

The Government routinely denied exit permits to young men approaching the age of military service (18 years) until they reached the age of 27, even when it authorized other family members to leave. However, in most of those cases approved for migration to the United States under the 1994 U.S. Cuba Migration Accords, the applicants eventually received exemption from obligatory service and were granted exit permits.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (for example, merchant seamen who defected while overseas and sports figures who defected while on tours abroad).

The Government also used both internal and external exile as tools for controlling and eliminating internal opposition. The Penal Code permits the authorities to bar an individual from a certain area or to restrict an individual to a certain area for a period of 1 to 10 years. Under this provision, authorities could exile any person whose presence in a given location they deemed to be "socially dangerous."

The Government routinely invoked forced exile as a condition for political prisoner releases and also pressured activists to leave the country to escape future prosecution. Margarito Broche Espinosa's conditional release papers stated that he was released "for 1 year," indicating that he would be imprisoned after 365 days if he remained in the country. The conditional release papers given to Oscar Espinosa Chepe indicated that he was released "until he recovers his health," compelling him to leave the country before his health improved.

Migrants who travel to the United States must pay the Government a total of 600 convertible pesos per adult and 400 convertible pesos per child, plus airfare. These government fees for medical exam, often of dubious quality, passport, and exit visa which must be paid in dollars were equivalent to approximately 5 years of a professional person's total peso salary and represented a significant hardship, particularly for political refugees. Many individuals applying for political refugee status were fired from their jobs for being "politically unreliable" and had no income. At year's end, however, there were no refugees unable to leave the country because of inability to pay exit fees.

The Penal Code provides for imprisonment of up to 3 years or a fine of 12 to 40 convertible pesos (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) stated that it regarded any sentence of more than 1 year for simple illegal exit as harsh and excessive. Under the terms of the 1994 U.S. Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense.

In 1994, the Government eased restrictions on visits by, and repatriations of, Cuban emigrants. Citizens who established residency abroad and who were in possession of government issued permits to reside abroad may travel to the country without visas, although citizens who departed after December 31, 1970, must obtain a costly passport to reenter the country. Persons

who are at least 18 years of age are eligible to travel abroad and may remain outside the country for up to 11 months. Emigrants who were considered not to have engaged in so called hostile actions against the Government and who were not subject to criminal proceedings in their countries of residence may apply at consulates for renewable, 2 year multiple entry travel authorizations.

The Constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving one of the following: "For democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." Although the Government has no formal mechanism to process asylum for foreign nationals, in practice, it provided protection against refoulement, the return of persons to a country where they feared persecution. The Government cooperated with the UNHCR, and provided temporary protection to a small number of persons. There was no information available on its use during the year.

The Government had an established system for providing assistance to refugees. During the year, 15 persons applied for refugee status, of whom 10 were approved; according to the UNHCR, there were 795 refugees in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the right to change their government or to advocate change, and the Government retaliated systematically against those who sought peaceful political change. The Constitution proscribed any political organization other than the CP. In 2002, the Government amended the Constitution to restrict further citizens' rights to change the Government, making socialism the "irrevocable" basis of the Constitution. In March 2003, President Castro declared his intent to remain in power for life. While the Constitution provides for direct election of provincial, municipal, and ANPP members, the candidates for provincial and national office must be approved in advance by mass organizations controlled by the Government. In practice, a small group of leaders, under the direction of President Castro, selected the members of the highest policy making bodies of the CP, the Politburo and the Central Committee.

The authorities tightly controlled the selection of candidates and all elections for government and CP positions. The candidacy committees were composed of members of government controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDRs and were responsible for selecting candidates, whose names then were sent to municipal assemblies that selected a single candidate for each regional seat in the ANPP. An opposition or independent candidate never has been permitted to run for national office.

In January 2003, the Government held national elections in which 609 candidates were approved to compete for the 609 seats in the National Assembly. The CP was the only political party allowed to participate in the elections. The CP approved candidates for all offices. A small minority of candidates did not belong formally to the CP but were chosen through the same government-controlled selection process. According to the official media, 97.6 percent of registered voters participated in the elections, and the candidates were voted in by 91 percent of the electorate. No candidates with views independent from, or in opposition to, the Government were allowed to run, and no views contrary to the Government or the CP were expressed in the government controlled national media. The Government saturated the media and used government ministries, CP entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form.

Deputies in the National Assembly, delegates in the provincial assemblies, and members of the Council of State are elected during general elections every 5 years. Municipal elections are held every 2½ years to elect 14,686 local representatives to the municipal assemblies, the lowest level of the Government's structure. In 2002, the Government held elections for local representatives to the municipal assemblies. Government newspapers reported that 95 percent of voters participated in the election, compared with 98 percent in 2000. Slightly less than 50 percent of those elected were incumbents and 22 percent were women; 6 percent of all candidates were between the ages of 16 and 30. The reports also claimed that nationwide the number of blank ballots remained steady at 2.8 percent, and the number of annulled ballots decreased from 3 percent to 2.4 percent. In 2002, 98.99 percent of the electorate allegedly signed a petition to retain the socialist nature of the regime indefinitely.

Although not a formal requirement, in practice, CP membership was a prerequisite for high level official positions and professional advancement.

The Government rejected any change to the political system judged incompatible with the revolution and ignored or actively suppressed calls for democratic reform. Since 2002, the Christian Liberation Movement, led by Oswaldo Paya, introduced 2 petitions (known as the Varela Project) with over 25,000 signatures to the National Assembly; the petitions proposed a 5 point national referendum on political and economic reforms. The petitions were based on Article 88 of the 1976 Constitution, which permits citizens to propose legislation if such proposals are backed by at least 10,000 citizens. The Varela Project called for an end to limits on freedom of association, an amnesty for nonviolent political prisoners, reduced barriers to private enterprise, electoral reforms, and free elections within a year of the referendum. In response, the National Assembly unanimously passed an amendment making socialism the irrevocable basis of the Constitution; however, the amendment did not rescind the right of citizens to propose legislation. On May 25, Paya issued a document called the "National Dialogue" that called for the development of a transition program and introduced proposals for reconciliation and the establishment of democracy.

Varela organizers continued to collect signatures in support of their proposal; however, activists reported increased harassment

by State Security agents. Varela activists were arrested and detained, signatures were confiscated, activists and signers were fined and threatened, and signers were forced to rescind signatures. State Security impersonated canvassing volunteers and increasingly infiltrated the ranks of activists. All 21 Varela activists arrested in 2003 remained in prison at year's end.

On August 3, State Security agents threatened and detained Varela activists Flora Maria Echevarria and Erica Isabel Arriera Reynoso of Quivicán. The agents forced the women from a public bus, searched them, and confiscated several signed Varela petitions. They were detained for several hours and released.

On February 4, pro democracy activist Vladimiro Roca of the movement "All United" published a document that examined the Constitution and suggested 36 reforms. The document was distributed to the public for comment and will be presented to the ANPP in the future for its consideration.

Independent and official press reported incidences of government corruption and bribery, and several officials were removed from their positions for participating in corruption. In February, authorities removed Minister of Tourism Ibrahim Ferradaz and two of three deputy ministers in part because they were unable to control corruption.

Public access to government information is a legal right; however, in practice, requests for information were routinely rejected, often on the grounds that access was not a right. Law 88 provides for fines or prison terms for those individuals in positions of power who give information deemed sensitive to foreign companies or persons.

Government leadership positions continued to be dominated by men. There were no legal impediments to women voting, holding political office, or rising to political leadership; however, there were very few women or minorities in policymaking positions in the Government or the CP. There were 2 women in the 24 member Politburo and 20 in the 150 member Central Committee. Women held 219 seats in the 609 seat National Assembly. Although blacks and persons of partial African descent made up more than half the population, they held only six seats in the Politburo. Following the selection of the new ANPP in January 2003, government run Granma reported that the National Assembly was 67 percent white, 22 percent black, and 11 percent mixed race.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not recognize any domestic human rights groups or permit them to function legally. The Government subjected domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refused to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believed that most human rights organizations were infiltrated by State Security officials and subjected to constant surveillance. Dissident leaders also were concerned that some individuals joined their groups to qualify for refugee status to leave the country. Public identification of suspected state infiltrators was a crime punishable by 8 to 15 years' imprisonment.

In April 2003, authorities confirmed that 12 purported dissidents were in fact agents of the Ministry of the Interior. The 12 infiltrators testified against several of the 75 human rights activists and independent journalists subjected to summary trials.

The Government steadfastly rejected international human rights monitoring. Since 1992, the Government has refused to recognize the mandate of the UNCHR on Cuba and, despite being a UNCHR member, refused to acknowledge requests by Christine Chanet, the Personal Representative of the Commissioner on Human Rights, to visit the country. On April 15, the UNCHR passed a resolution that expressed concern about the human rights situation in the country and repeated its earlier call on the Government to receive the visit of Chanet. In January, she issued a report on the country's human rights situation, specifically addressing issues impeding the growth of civil society, such as arbitrary detentions, prison conditions, and summary trials.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution forbids discrimination based on race, sex, or national origin; however, evidence suggested that racial discrimination occurred frequently. The country is a multiracial society with a black and mixed race majority.

Women

Violent crime rarely was reported in the press, and there was no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates reported that violence against women was a problem. The law establishes strict penalties for rape, and the Government enforced the law; however, according to human rights advocates, the police did not act on cases of domestic violence.

Prostitution is legal for persons over 17 years of age; however, pandering and economic activities facilitating prostitution,

including room rentals, are illegal. Press reports indicated that tourists visited specifically to patronize inexpensive prostitutes. Some street police officers were suspected of providing protection to the prostitutes (known as "jineteras"). The Government periodically cracked down on prostitution, most recently in 2003, but jineteras remained numerous and publicly visible in Havana and other major cities. Most observers believed that the Government took these measures to combat the perception that the Government promoted sex tourism. The Government maintained centers to take prostitutes off the streets and reeducate them. There was no information available regarding whether or not the Government dismantled these centers, as recommended by a 2003 U.N. Special Rapporteur's report.

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women were subject to the same restrictions on property ownership as men. The law provides up to 1 year of maternity leave and grants working mothers preferential access to goods and services. Approximately 40 percent of all women worked, and they were well represented in many professions. According to the most recent (2000) public figures of the Cuban Women's Federation (FMC), a mass organization affiliated with the CP, women held 33 percent of managerial positions. The FMC also asserted that 11,200 women received land parcels to cultivate, more than 561,000 women had begun working as agricultural workers, and that women devoted 34 hours a week to domestic work, approximately the same number of hours they spent working outside the home.

Children

The Constitution provides for government protection of family, maternity, and matrimony. It also states that all children have the same rights under the law and notes the duties of parents to ensure their protection. State organizations and schools were charged with the comprehensive formation of children and youth. Public education was free through the university level; however, citizens could be barred for a lack of "revolutionary beliefs." The law requires school attendance until the ninth grade, which was the highest level achieved by most children. According to the government press, 100 percent of school age children attended school. Education was suffused with Marxist ideology and anti-imperialist and anti-capitalist propaganda, beginning in primary school.

The educational system often forced families to live apart. Residents of Havana who wanted their children to follow a university track education or "pre university" were required to send them to boarding schools outside the capital. Parents of children in rural areas had few schooling options and were often forced to send their children to rural boarding schools from as early as age 12. Religious groups and NGOs complained that sexual relations among students and even with teachers at boarding schools were tolerated and that children were required to participate in several hours of manual labor per day (see Section 6.c.).

Children up to the age of seven received additional food rations, including meat and milk, through the ration card system.

The national health care system covered all citizens; however, facilities were deteriorated and basic medicines were often impossible to find.

Although seldom covered in the official media, there were occasional reports of child abuse; however, there was no societal pattern of child abuse. Police officers who found children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If a child was found bothering tourists more than once, police frequently fined the child's parents. During their summer vacation, students were pressured to enlist for up to a week of "volunteer labor" at one of the various work camps in rural areas.

Underage prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. Children could marry with the consent of their parents at the age of 14; however, Article 310 of the Penal Code provides for 2 to 5 years' imprisonment for anyone who "induces minors under 16 years of age to practice homosexuality or prostitution." The police generally enforced laws on underage prostitution; however, the phenomenon continued as more cabarets and discos opened catering to the sexual tourism trade. Workers at some tourist facilities appeared to profit from underage prostitution. The Government did not publicly acknowledge the prevalence of underage prostitution; however, the Government prosecuted persons involved in child prostitution and child pornography and assisted other countries in international investigations of child sexual abuse.

Trafficking in Persons

The Penal Code prohibits trafficking in persons, and there were no reports that persons were trafficked to or from the country. There were incidents of trafficking within the country for purposes of sexual exploitation and forced labor, which were not reported in the official media.

The revised Code makes it illegal to promote or organize the entrance of persons into, or the exit of persons from, the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment.

The Ministry of Justice, the Ministry of Education, the PNR, and local governments are tasked with different facets of combating trafficking in persons and the problem of underage prostitution, and no entity had complete autonomy dealing with these issues. The police investigated and arrested traffickers, the Ministry of Justice prosecuted and incarcerated traffickers, and the Ministry of Education rehabilitated prostitutes, including underage prostitutes. Child victims generally were treated as criminals and were

incarcerated for breaking laws on prostitution. In June, the Government reported that between 2000—04, there were 881 trials for those accused of procuring prostitutes, with 1,377 individuals convicted and sentenced to prison. There was no data published on prosecutions of trafficking of underage children in prostitution.

There were reports of trafficking within the country for purposes of sexual exploitation and forced labor. Victims of trafficking for sexual exploitation generally were teenage girls age 14 to 17 who are abused in prostitution. The country was also a destination for sex tourists, including foreigners searching for underage prostitutes. Victims of trafficking for forced labor included children coerced to work in commercial agriculture.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, there are no laws that mandate accessibility to buildings for persons with disabilities. In practice, buildings and transportation rarely were accessible to persons with disabilities.

The Special Education Division of the Ministry of Education was responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security was in charge of the Job Program for the Handicapped.

National/Racial/Ethnic Minorities

Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination often occurred and was acknowledged publicly by high governmental officials. At the 2001 World Conference on Racism in South Africa, President Castro acknowledged that the revolution had not eradicated racism. There were numerous reports of disproportionate police harassment of black youths. Evictions, exacerbated by Decree 217, primarily targeted individuals and families who migrated to Havana from the eastern provinces, traditionally areas of black or mixed race populations (see Section 2.d.).

Other Societal Abuses and Discrimination

In the early years of the regime, government rhetoric and official policy was anti homosexual, and homosexuals were forcibly sent to "reeducation camps." Although such policies no longer persist, societal discrimination continued.

The Government restricted persons found to be HIV positive to sanatoriums for treatment and therapy before conditionally releasing them into the community.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society take precedence over individual workers' preferences. Established official labor unions have a mobilization function and do not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the State and the CP, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, anti union discrimination by definition did not exist.

The CP selects the leaders of the sole legal labor confederation, the CTC, whose principal responsibility is to ensure that government production goals are met. Despite its assertions in international fora to the contrary, the Government explicitly prohibited independent unions, and none were recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on freedom of association and the right to organize. Those who attempted to engage in unofficial union activities faced government harassment. In June 2003, the International Labor Conference concluded that government law and practice were in violation of ILO Convention 87 on Freedom of Association. The Applications Committee of the International Labor Conference also called upon the Government to release trade unionists arrested in March 2003 and urged the Government to accept an ILO mission to verify labor conditions and to work with the Government to ensure full compliance with Convention 87. The Government rejected the Application Committee's conclusions and any possibility of an ILO mission.

In June, the ILO's Committee on Freedom of Association (CFA) reaffirmed its November 2003 criticisms of the authorities' recognition of only a single official union and prohibition of independent trade unions. The CFA also cited the absence of collective bargaining and of the right to strike, as well as the arrest and harassment of union members, government infiltration of independent unions, and illegal house searches. The CFA expressed particular concern regarding the arrests and lengthy imprisonment of union organizers in March and April 2003 and recommended that an ILO Direct Contacts Mission be allowed to enter the country to investigate the situation.

Workers often lost their jobs because of their political beliefs, including their refusal to join the official union. Several small independent labor organizations were created, although they functioned without legal recognition. These organizations also were

subject to infiltration by Government agents and were unable to represent workers effectively or work on their behalf.

At year's end, seven of the nine labor leaders arrested in March 2003 remained in prison, including Pedro Pablo Alvarez Ramos. During the year, authorities released Carmelo Diaz and Roberto de Miranda.

On March 30, authorities fired agricultural engineer Alexis Ramirez Rodriguez from his position in the Granma Biochemical Factory of Bayamo for not contributing to the union's "militia" fund or participating in revolutionary union events. Ramirez was a delegate of the National Independent Workers' Confederation of Cuba.

On September 23, two municipal housing inspectors from Villa Clara, Sandra Cedenio Leon and Odalys Bacallao Diaz, reported being fired by their supervisor for having signed the Varela Project. Their labor records did not reflect the reason for dismissal.

On October 15, secret police beat trade unionist Lazaro Gonzalez Adan in his home in Camaguey and subsequently arrested him on charges of "disrespect" for state authority.

b. The Right to Organize and Bargain Collectively

Although the Cuban labor code provides for collective bargaining, it does not exist in practice. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is virtually the only employer in the country. The law does not provide for strikes, and none were known to have occurred during the year. The country's three export processing zones located at Beroa, Wajay, and Mariel were in the process of being dismantled; however, there were no special laws or exemptions from regular labor laws in these zones.

The Foreign Investment Law denies all workers, except those with special government permission, the right to contract directly with foreign companies investing in the country. Although a few firms managed to negotiate exceptions, the Government required foreign investors and diplomatic missions to contract workers through state employment agencies, which were paid in foreign currency, but which, in turn, paid workers very low wages in pesos. Typically workers received 5 percent of the salary paid by the companies to the State. Workers subcontracted by state employment agencies must meet certain political qualifications. According to former Minister of Basic Industry Marcos Portal, the state employment agencies consulted with the CP, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserved" to work in a joint enterprise.

On January 9, authorities summoned Antonio Alonso to the Ministry of Interior in the Municipality of Songo La Maya and fined him for his union activities. Alonso was told by an official that he had been tasked with "getting rid" of all the independent unions by prohibiting all meetings, seminars, and training courses offered by these groups.

c. Prohibition of Forced or Compulsory Labor

Neither the Constitution nor the Labor Code prohibits forced or compulsory labor by adults. The Constitution prohibits forced or compulsory labor by children; however, there were reports that such practices occurred (see Section 5). The Government maintained correctional centers where it sent persons for crimes such as "dangerousness." Prisoners held in such centers were forced to work on farms or at sites doing construction, agricultural, or metal work. The authorities often imprisoned uncooperative internees.

The Government employed special groups of workers, formed into "microbrigades," who were reassigned temporarily from their usual jobs to work on special building projects. These microbrigades were increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refused to volunteer for these jobs often risked discrimination or job loss. Microbrigade workers reportedly received priority consideration for housing assignments. The military assigned some conscripts to the Youth Labor Army, where they served a 2 year military service requirement working on farms that supplied both the armed forces and the civilian population.

On April 16, Alberto Martinez Femmdy, a prisoner in the Corojo correctional facility, denounced in a letter smuggled out of prison that he was forced to participate in manual labor from 4:30 a.m. to 8 p.m. 7 days a week.

On June 15, economist Felix Reyes Gutierrez was demoted as punishment for blowing the whistle on corruption and theft at the Ramiro Lavandreo Cruz cigarette factory in Villa Clara, where he worked. Reyes was subsequently reassigned to do agricultural labor.

Forced and compulsory labor by children occurred in practice.

d. Prohibition of Child Labor and Minimum Age for Employment

The Government prohibits forced and compulsory labor by children; however, the Government required children to work in various situations. Students at rural boarding schools were expected to participate in several hours of manual labor per day. Secondary school students were expected to devote up to 15 days of their summer vacation completing a variety of tasks

ranging from farm labor to urban cleanup projects and were paid a small wage for this labor. Students in post secondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year to primarily agricultural work. According to school rules, refusal to do agricultural work could result in expulsion from the institution. The country has not ratified ILO Convention 182, but the Government adhered to Convention 182 standards concerning the elimination of the worst forms of child labor.

The legal minimum working age is 17. However, the Labor Code permits the employment of 15 and 16 year old children to obtain training or to fill labor shortages. The Labor Code does not permit teenagers to work more than 7 hours per day or 40 hours per week or on holidays. Children age 13 to 18 cannot work in the following situations: As longshoremen (load/unload excessive weight); in mines; underground; near noxious, reactive or toxic substances; in high places; or at night. The Labor Code permits persons age 18 or over to work underground or with noxious substances.

e. Acceptable Conditions of Work

CETSS sets the minimum wage, which varies by occupation. For example, the minimum monthly wage for a maid was 6.35 convertible pesos (165 pesos); for a bilingual office clerk, 7.30 convertible pesos (190 pesos); and for a gardener 8.30 convertible pesos (216 pesos). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for approximately 1 week per month). The Government rationed most basic necessities such as food, medicine, clothing, and cooking gas, which were expensive and often scarce. However, even with these subsidies, the minimum wage did not provide a decent standard of living for a worker and family.

The Government required foreign companies in joint ventures with state entities to hire and pay workers through the State (see Section 6.b.). HRW noted that the required reliance on state controlled employment agencies effectively left workers without any capacity directly to negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. Foreign companies paid the Government as much as 500 to 600 convertible pesos per worker per month; however, because the Government paid salaries in pesos instead of convertible pesos, workers only received 4 percent of the money foreign companies paid to the Government for their services.

The standard workweek was 44 hours, with shorter workweeks in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy. The labor code provides workers with a weekly 24-hour rest period.

Laws providing for workplace environmental and safety controls were inadequate, and the Government lacked effective enforcement mechanisms. Independent press and international organizations reported that industrial accidents were frequent, but the Government suppressed such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right to refuse to work in a position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.